

Testimony of
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Before the Senate Committee on Agriculture and Higher Education
Senate Bill 297 – Relating to Nursery Dealers, Nursery Growers and Christmas Tree Growers
December 5, 2007

Chairperson Vinehout and committee members thank you for this opportunity to testify before you today on the changes to the state nursery law. I am Kathy Pielsticker, Administrator for the Division of Agricultural Resource Management at the Department of Agriculture, Trade and Consumer Protection.

The proposed changes to the nursery law are administrative "housekeeping" aimed at clarifying existing language and the purpose of the law. The nursery law was last updated in 2000 after a program evaluation that included a wide array of industry perspectives including nursery growers, dealers, Christmas tree growers, sod producers, landscape contractors, University Extension and DNR personnel. We engaged the Wisconsin Green Industry Federation (WGIF), which includes the Wisconsin Nursery Association, in drafting the amended law. It was brought before the WGIF board of directors for their input. We also had some nursery growers involved in the discussions about the law change.

This bill modifies current license requirements for nursery dealers, nursery growers and Christmas tree growers. There has been some confusion in interpreting the current law and this bill will clarify license requirements. The Department of Agriculture, Trade and Consumer Protection (DATCP) licenses nursery dealers, nursery growers and Christmas tree growers in order to prevent and control the spread of destructive plant pests and diseases. Among other things, this bill:

- Clarifies that a nursery dealer, nursery grower or Christmas tree grower may operate multiple locations under a single license. Previously they were licensed as individual stores.
- Changes the license fee formula for nursery dealers that have more than \$3 million in annual nursery stock purchases. Only a small number of nursery dealers, mass merchandisers, would be affected by this change. The category of mass merchandisers is where we have seen the largest and most rapid growth and have increased the inspection time at these facilities. The change in the nursery dealer fee calculation will allow the department to collect the additional money from mass merchandiser stores to assure they pay their fair share for increasing nursery stock volume.
- Requires a licensed nursery grower to obtain a separate nursery dealer license if the nursery grower also operates as a nursery dealer (reselling nursery stock purchased from outside sources). This clarifies licensing and fee calculations without affecting fees.
- Requires a nursery grower to obtain a separate Christmas tree grower license if the nursery grower also operates as a Christmas tree grower. This clarifies licensing, without affecting fees.
- This bill authorizes DATCP to adjust license fees by rule.
- At present, with the new law, the change in fee calculations for nursery dealers will be revenue neutral.